

BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

IN THE MATTER OF:) Case No.: DO-08-4095
)
JOHN K. KOSIK, D.O.) **STIPULATION FOR ISSUANCE OF**
) **LICENSE AND PROBATION**
)
Applicant for Licensure.)
)
For the practice of osteopathic medicine in the)
State of Arizona)
_____)

On March 4, 2008, John K. Kosik, D.O. (hereinafter "Applicant") filed an application for licensure with the Arizona Board of Osteopathic Examiners (hereinafter "Board"). On May 17, 2008, the Applicant appeared before the Board as requested by board staff for a review of his license application and prior licensure history. The Board reviewed Applicant's application for license, including the Applicant's licensure history, and all other relevant issues concerning his qualifications to obtain a Board license, and took testimony from the Applicant. The Board authorized an order granting Applicant a license to practice as an osteopathic physician in the State of Arizona with the following terms and conditions of Probation. At that meeting the Applicant agreed to the terms and conditions.

STIPULATION

By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereafter "Board") and, John K. Kosik, D.O. (hereinafter "Applicant"), the parties, hereto agree to the following disposition to this matter.

1. Applicant acknowledges that he has read this Stipulation and Order; and, Applicant is aware of and understands the content of this document.
2. Applicant understands that by entering into this Stipulation and Order, he voluntarily relinquishes any rights to a hearing on the matters alleged as grounds for Board action or to seek judicial review of the Stipulation and Order in state or federal court.

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3. Applicant further understands that this Stipulation and Order, once approved and signed, shall constitute a public record which will be disseminated as a formal action of the Board.

4. Applicant admits to the statement of facts and conclusions of law contained in the Stipulation and Order.

5. All admissions made by Applicant are solely for final disposition of this matter and any subsequent administrative proceedings or litigation involving the Board, Applicant and the State of Arizona; and, therefore, said admissions by Applicant are not intended for any other purpose or administrative regulatory proceeding or litigation in another state or federal court.

6. Applicant acknowledges and agrees that upon signing and returning this document (or a copy thereof) to the Board's Executive Director, he may not later revoke or amend any part of the Stipulation and Order, without first obtaining Board approval.

REVIEWED AND ACCEPTED THIS 13 DAY OF JUNE, 2008.


John K. Kosik, D.O., Applicant

JURISDICTIONAL STATEMENTS

1. The Board is empowered, pursuant to A.R.S. §§ 32-1800 et seq. to regulate the licensing and practice of osteopathic medicine in Arizona.

2. The Board has the authority to informally dispose by stipulation, agreed settlement, consent order or default pursuant to A.R.S. § 41-1092.05 (F) (5).

3. The Board has the authority to enter a final order and to enter into an agreement for the disposition of this matter pursuant to A.R.S. § 32-1822(E).

FINDINGS OF FACT

4. On March 4, 2008, the Applicant applied for an Arizona license.

5. On his license application, Applicant answered "yes" to question #2 in Section VIII, Professional Conduct History.

6. Along with this disclosure, Applicant provided information to the Board indicating that he pled guilty to a DUI on April 4, 2008 which occurred on November 24, 2007.

7. After review and consideration of the application, licensing history and testimony of the Applicant, the Board voted to offer the Applicant a license with a probationary period and conditions to which Applicant orally agreed.

CONCLUSIONS OF LAW

1. Pursuant to A.R.S. § 32-1800, et seq. the Arizona Board of Osteopathic Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

2. The conduct and circumstances described in paragraphs 4 through 7 above constitute a basis for requiring the Applicant be granted a license pursuant to A.R.S. § 32-1822 (E).

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED AS FOLLOWS:

Pursuant to A.R.S. §§ 32-1804(B)(9), 32-1822 (E), 41-1092.11 and 41-1064(C), **John K. Kosik, D.O.** ("Applicant") shall be issued a license and under the terms of that license be placed on **PROBATION for TWO (2) YEARS** from the date of this order with the following terms and conditions of probation as set forth herein:

1. Applicant shall be granted a license pursuant to ARS 32-1822 (E). This license allows Applicant to practice medicine under the following terms of probation.

2 Applicant will develop/maintain a plan for treatment and monitoring which shall include, but may not be limited to, individual and/or group counseling sessions, random body fluid testing, agreement for release of treatment records and reports to the Board, prohibition of the use of alcohol and controlled substances unless the latter is prescribed or coordinated by his treating physician, and regular meetings with the Board; and submit this plan to Board staff for its approval.

3. From the date of this Order, Applicant shall obtain psychiatric or psychological treatment by a therapist(s) who is either a licensed psychiatrist and/or psychologist and is selected by

1 Applicant and approved by the Board. Applicant shall comply with the therapist
2 recommendation for the frequency of therapy treatment sessions. Applicant shall inform the
3 Board by letter (mailed within ten days of the date of this Order) of the therapist's name; and,
4 Applicant shall undertake and fully cooperate with a program of treatment established by the
5 therapist. In the event Applicant changes therapists, he shall give the Board written notice within
6 ten (10) days of said action. Applicant shall not discontinue or reduce the frequency of
7 psychotherapy sessions until he has submitted a written request to the Board and obtained Board
8 approval.

9 4. Applicant's therapist(s) shall receive a copy of this Order and Board staff shall cooperate
10 with and disclose all relevant information in the Board's files concerning Applicant. The treating
11 therapist shall be directed by Applicant to send to the Board a detailed written progress report
12 every month for the remainder of the probation; and Applicant shall waive any confidentiality
13 with the Board concerning his psychotherapy in order that the Board may receive full disclosure
14 of information. The expense of the aforementioned therapy and the reports to the Board by
15 Applicant's therapist shall be the sole responsibility of the Applicant.

16 5. Applicant shall provide a copy of this Order and any subsequent Orders to all facilities
17 where Applicant is currently (or subsequently) employed as a physician and/or has (or
18 subsequently receives) privileges to engage in the practice of medicine. Applicant shall provide
19 a copy of this Order to all treating physicians, dentists and or health care professionals.
20 Applicant shall continue to make the aforementioned disclosure and provide copies of this
21 Consent Order until the expiration of this Order.

22 6. Applicant shall abstain completely from the consumption of alcoholic beverages or any
23 substance with alcohol (i.e., mouth wash, cough syrups); and, Applicant shall not consume illicit
24 drugs or take any controlled substances (i.e., prescription only drugs), unless his treating
25 physician prescribes such medication for him with the awareness that Applicant may have a

1 substance abuse disorder. Applicant shall maintain a monthly log (for the duration of probation)
2 of all prescription only drugs taken by him and such log shall include the following information:

- 3 (a) the name of the medication;
- 4 (b) name of prescribing physician;
- 5 (c) reason for the medication.

6 7. At the first of each month, Applicant shall report by letter to the Board whether or not he
7 is taking any prescription only medication and, if so, a copy of his log reflecting the above
8 information.

9 8. Applicant shall also, as part of his probation: (A) submit to and cooperate in any
10 independent medical or psychological evaluation that is ordered by the Board for Applicant and
11 conducted by the Board's designated physician and/or psychologist which shall be paid for by
12 Applicant; and (B) appear before the Board, upon receipt of a request by written or telephonic
13 notification from the Board's executive director which shall be given at least five (5) days prior
14 to the Board meeting; and, (C) submit to random biological fluid testing and promptly provide
15 (i.e., within sixty (60) minutes of notification) required biological fluids for testing and said
16 testing shall be done at the Applicant's expense.

17 9. In the event Applicant moves and ceases to practice medicine in Arizona, he shall give
18 written notice to the Board of his new residence address within twenty (20) days of moving; and,
19 the terms and duration of probation may be stayed by the Board until Applicant returns to
20 practice medicine in Arizona.

21 10. Applicant shall reimburse the Board for all expenses associated with the continued
22 monitoring of this matter.

23 11. Applicant shall continue to meet all licensing requirements such as continuing medical
24 education and renewal requirements including applicable fees pursuant to A.R.S. § 32-1825.

25 12. Applicant's failure to comply with the requirements of this Order shall constitute
unprofessional conduct as defined at A.R.S. § 32-1854(26), as amended, and may be considered

1 as grounds for further disciplinary action (e.g., suspension or revocation of license) in the event
2 that Applicant fails to comply with any of the requirements of this Order.

3 ISSUED THIS 13th DAY OF June, 2008.
4 STATE OF ARIZONA
5 BOARD OF OSTEOPATHIC EXAMINERS IN
6 MEDICINE AND SURGERY

7 By: Jack Confer /bm
8 Jack Confer, Executive Director

9 Original "Stipulation for Issuance of
10 License with Probation" filed this 13th
11 day of June, 2008 with the:

12 Arizona Board of Osteopathic Examiners
13 In Medicine and Surgery
14 9535 East Doubletree Ranch Road
15 Scottsdale AZ 85258-5539

16 Copy of the foregoing "Stipulation for Issuance of
17 License with Probation" sent via certified,
18 return receipt requested this 13th
19 day of June, 2008 to:

20 John K. Kosik, D.O.
21 506 Amanda Lee Ln.
22 Cortez, Colorado 81321

23 Copies of the "Stipulation for Issuance of
24 License with Probation" sent via regular
25 mail this 13th day of June, 2008 to:

Blair Driggs, AAG
Office of the Attorney General CIV/LES
1275 West Washington
Phoenix AZ 85007

Ruthy Fowler